

The opinion in support of the decision being
entered today is not binding precedent of the Board.

16
Paper

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28 April 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KENNETH J. McCLELLAN

Junior Party,
(Patent 6,323,489 B1),

v.

MAILED

APR 28 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BRUCE CHAI and YANGYANG JI

Senior Party,
(Application 09/506,160).

Patent Interference No. 105,083

Before TORCZON, MEDLEY and NAGUMO, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the McCLELLAN REQUEST FOR ENTRY OF ADVERSE
JUDGMENT (37 CFR § 1.662) (Paper 18), in which party McClellan requests adverse judgment
against McClellan, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, page 5), the sole count in the interference, is awarded against junior party Kenneth J. McClellan.

FURTHER ORDERED that junior party Kenneth J. McClellan is not entitled to a patent containing claims 1-10 (corresponding to Count 1) of U.S. patent 6,323,489.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/506,160 and U.S. Patent 6,323,489.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.



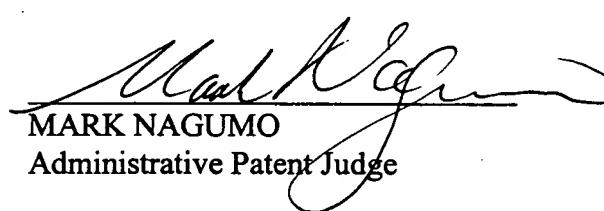
RICHARD TORCZON

Administrative Patent Judge



SALLY C. MEDLEY

Administrative Patent Judge



MARK NAGUMO

Administrative Patent Judge

) BOARD OF PATENT
)) APPEALS AND
)) INTERFERENCES

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